

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Vernon Lee Pug,

Civil No. 06-2689 (PAM/JAM)

Petitioner,

v.

MEMORANDUM AND ORDER

State of Minnesota,

Respondent.

This matter is before the Court on Petitioner's objection to the Report and Recommendation ("R&R") issued by Magistrate Judge Janie S. Mayeron on Petitioner's Amended Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody. The Magistrate Judge recommended that this Court dismiss with prejudice the Amended Petition. The statute requires the Court to review de novo a magistrate judge's decisions on applications for posttrial relief. 28 U.S.C. § 636(b)(1).

Petitioner does not make any express objections to the R&R itself. Rather, Petitioner appears to simply renew the arguments he made to the Magistrate Judge. Petitioner's arguments in support of his Amended Petition are more fully described in the R&R, and the Court will not replicate that work here. Briefly, Petitioner argued that the state trial court violated his Due Process rights when it allowed an expert witness to opine that Petitioner's accuser had in fact been sexually abused. Petitioner also argued that the state trial court violated his Due Process rights by admitting evidence of his prior conviction for sexual assault against an adult female to show a common scheme or plan. The Magistrate Judge

thoroughly addressed each of these arguments in the R&R, concluding that neither decision by the state trial court violated Petitioner's Due Process rights such to justify this Court granting him habeas relief.

The Court has reviewed de novo the issues presented in the Petition and objections to the R&R and finds that the Magistrate Judge's reasoning and recommendation in the R&R are correct. Because Petitioner did not make any specific objections to the R&R, and because Petitioner failed to make any arguments to this Court in his objections that the Magistrate Judge has not already considered, the Court adopts the Magistrate Judge's R&R and declines to duplicate the analysis here.

For the foregoing reasons, and on all the files, record, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Defendants' Objections (Docket No. 29) are **OVERRULED**;
2. The Report and Recommendation (Docket No. 28) is **ADOPTED**;
3. Petitioner's Amended Petition for a Writ of Habeas Corpus (Docket No. 14) is **DENIED**.

Dated: Wednesday, December 17, 2008

s/ Paul A. Magnuson
Paul A. Magnuson
United States District Court Judge